

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

18-MC-0561 (JMF)

Application and Petition of Hanwei Guo for an Order to take
Discovery for Use in a Foreign Proceeding Pursuant to 28
U.S.C.1782

ORDER

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JESSE M. FURMAN, United States District Judge:

On December 5, 2018, Applicant Hanwei Guo filed an application pursuant to 28 U.S.C. § 1782 for an order compelling discovery for use in a foreign proceeding (the “Application”). (Docket No. 1). Although the Court has authority to address the Application *ex parte*, *see Gushlak v. Gushlak*, 486 F. App’x 215, 217 (“[I]t is neither uncommon nor improper for district courts to grant applications made pursuant to § 1782 *ex parte*.”), the Court will not do so absent a demonstrated basis.

If Applicant believes there is a basis to proceed *ex parte*, it shall file a letter motion seeking leave to do so **within three days of the date of this Order**. In the absence of such a motion, Applicant shall serve on Deutsche Bank Securities Inc., J.P. Morgan Securities LLC, Merrill Lynch, Pierce, Fenner & Smith Incorporated, and Morgan Stanley & Co. LLC (collectively, the “Underwriters”) a copy of the Application and supporting papers, together with a copy of this Order, no later than **December 11, 2018**, and file proof of such service on the docket. In addition, Applicant shall serve those same papers on the Arbitration Respondents — the parties against whom the requested discovery is likely to be used — by the same date, also filing proof of service on the docket. *See Application of Sarrio*, S.A., 119 F.3d 143, 148 (“[T]he ultimate targets of a § 1782 discovery order issued to third parties have standing to challenge the district court’s power to issue a subpoena under the terms of an authorizing statute.” (internal quotation marks omitted)). Arbitration Respondents and the Underwriters shall file any opposition to this Application no later than **two weeks from the date on which they are served**. Applicant’s reply, if any, shall be due **one week from the date upon which the opposition is filed**.

If the parties believe that a conference would be helpful, either before or after the matter is fully briefed, they shall so advise the Court by letter.

SO ORDERED.

Dated: December 6, 2018
New York, New York



JESSE M. FURMAN
United States District Judge